

CITY COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

Ordinance No.: O-11-04

Introduced by: Councilwoman Elenora Simms

Date Introduced: Monday, November 1, 2010

First Reading: Monday, November 1, 2010

Public Hearing: Monday, November 29, 2010

Second Reading: Wednesday, December 8, 2010

Amendments Adopted: Monday, December 20, 2010

Date Adopted: Monday, December 20, 2010

Date Effective: Thursday, January 20, 2011

AN ORDINANCE concerning

Truck Routes

FOR the purpose of prohibiting, with certain exceptions, the operation of certain trucks on highways and alleys in The City of Seat Pleasant that are not part of or extensions of the State or federal highway systems; designating certain streets over which such trucks may travel; defining certain terms; providing penalties for certain violations of this ordinance; providing that the provisions of this Ordinance are severable; and generally relating to the regulation of truck traffic in The City of Seat Pleasant.

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BY adding
Chapter 150 – VEHICLES AND TRAFFIC
ARTICLE IV, Truck Routes
Section 150-7
Code of The City of Seat Pleasant (1994 Edition)

EXPLANATORY STATEMENT: Maryland law (Transportation Article, § 25-102(a)(11)) allows municipalities to regulate through truck traffic and prohibit trucks from using any highway or alley that is not designated or maintained as a part or extension of the State or federal highway system, provided that the municipality has designated an adequate alternate route for diverted truck traffic. The City Council desires to implement the authority granted by this provision of State law. Now, therefore,

SECTION 1. BE IT ENACTED BY THE SEAT PLEASANT CITY COUNCIL, that new Section 150-7 be and it hereby is added to the Code of The City of Seat Pleasant, Chapter 150 VEHICLES AND TRAFFIC, to be under new ARTICLE IV, Truck Routes, to read as follows:

Chapter 150 – VEHICLES AND TRAFFIC

ARTICLE IV, TRUCK ROUTES

§ 150-7. TRUCK ROUTES.

- A. TERMS USED IN THIS SECTION THAT ARE DEFINED IN VEHICLE LAWS OF THE TRANSPORTATION ARTICLE OF THE MARYLAND ANNOTATED CODE, AS AMENDED FROM TIME TO TIME, SHALL HAVE THE SAME MEANINGS IN THIS SECTION.THE TRUCK GROSS WEIGHT LIMITATION BASED ON THE NUMBER OF AXLES. THE GROSS VEHICLE WEIGHT (GVW) WILL BE THREE OR LESS AXLES 55,000, FOUR AXLES 66,000 FIVE OR MORE AXLES 80,000
- B. EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON MAY NOT OPERATE A TRUCK ON ANY HIGHWAY OR ALLEY WITHIN THE CITY OF SEAT PLEASANT THAT IS NOT DESIGNATED OR MAINTAINED AS A PART OR EXTENSION OF THE STATE OR FEDERAL HIGHWAY SYSTEM.
- C. A PERSON MAY OPERATE A TRUCK ON A HIGHWAY OR ALLEY IN THE CITY OF SEAT PLEASANT THAT IS NOT DESIGNATED OR MAINTAINED AS A PART OR EXTENSION OF THE STATE OR FEDERAL HIGHWAY SYSTEM IF THE TRUCK IS:
- (1) AN EMERGENCY VEHICLE PROVIDING EMERGENCY SERVICE TO PERSON OR PROPERTY WITHIN THE CITY OF SEAT PLEASANT;
 - (2) ENGAGED IN THE REPAIR, CONSTRUCTION OR MAINTENANCE OF ROADS OR UTILITIES IN THE CITY OF SEAT PLEASANT;
 - (3) PROVIDING TRASH OR REFUSE COLLECTION SERVICES TO RESIDENTS OR BUSINESSES IN THE CITY OF SEAT PLEASANT; OR
 - (4) MAKING A PICK-UP, DELIVERY OR SERVICE CALL TO A RESIDENT OR BUSINESS IN THE CITY OF SEAT PLEASANT ON HIGHWAYS OR ALLEYS OTHER THAN DESIGNATED TRUCK ROUTES, AS LONG AS TRAVEL OF THE TRUCK IS RESTRICTED TO A DESIGNATED TRUCK ROUTE EXCEPT WHEN MAKING THE PICK-UP, DELIVERY OR SERVICE CALL. WHEN PROCEEDING TO AND RETURNING FROM A PICK-UP, DELIVERY OR SERVICE CALL A TRUCK SHALL BE DRIVEN BETWEEN A TRUCK ROUTE AND THE TRUCK'S DESTINATION BY THE MOST DIRECT ROUTE BETWEEN THE TRUCK ROUTE AND DESTINATION.

- D. A PERSON WHO OPERATES A TRUCK IN VIOLATION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND SUBJECT TO A FINE IN THE AMOUNT OF \$100 FOR THE FIRST OFFENSE, \$250 FOR THE SECOND OFFENSE, AND \$500 or Up to \$1000.00 FOR THE THIRD AND EACH SUBSEQUENT OFFENSE.
- E. THE FOLLOWING STREETS ARE THE DESIGNATED TRUCK ROUTES WITHIN THE CITY OF SEAT PLEASANT:
- (1) MARTIN LUTHER KING, JR., HIGHWAY;
 - (2) CENTRAL AVENUE;
 - (3) ADDISON ROAD;
 - (4) ~~SEAT PLEASANT DRIVE~~;
 - (4) EADS STREET; AND
 - (5) 67TH PLACE FROM EADS STREET TO 511 67TH PLACE.
- F. THE CITY ADMINISTRATOR SHALL PROVIDE FOR THE ERECTION AND MAINTENANCE OF SIGNS ALONG HIGHWAYS IN THE CITY GIVING NOTICE OF THE TRUCK TRAVEL RESTRICTIONS AND DESIGNATED TRUCK ROUTES IN THE CITY.

SECTION 2. AND BE IT FURTHER ENACTED that this Ordinance and the various parts, sections, subsections, sentences, phrases and clauses of this Ordinance are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause of this Ordinance is adjudged unconstitutional or invalid, either on its face or as applied, it is hereby declared that the remainder of this Ordinance shall not be affected thereby and shall remain in full force and effect.

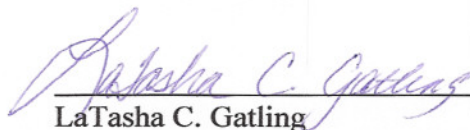
SECTION 3. AND BE IT FURTHER ENACTED that the City Clerk shall certify to the adoption of this ordinance, and cause the same to be published as required by law; and that this Ordinance shall become effective twenty (20) days following approval by the Mayor or passage by the Council after the veto by the Mayor.

ATTEST:

**COUNCIL OF THE CITY OF
SEAT PLEASANT**



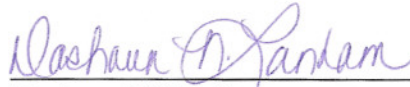
Dashaun N. Lanham
City Clerk



LaTasha C. Gatling
Council President

APPROVED:

This Ordinance was presented to the Mayor for his approval of disapproval pursuant to Section C-313 of the Charter of the City of Seat Pleasant this 27th day of December, 2010



Dashaun N. Lanham
City Clerk

In accordance with Section C-313 of the Charter of the City of Seat Pleasant, I hereby (APPROVE) (DISAPPROVE) this Ordinance this December 27, 2010.



Eugene W. Grant, Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment.